

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U. S. DISTRICT COURT E.D. N.Y.

★ NOV 29 2005 ★
TIME A.M. _____
P.M. _____

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CECIL O. HARVEY,

Petitioner,

-against-

PEOPLE OF THE CITY OF NEW YORK,

Respondent.
-----X

MEMORANDUM AND ORDER
05-CV-5108 (NG)

GERSHON, United States District Judge:

The instant action is a duplicate of a pending petition previously filed by petitioner Cecil O. Harvey. See Harvey v. People of the City of New York, 05-CV-4991 (NG). The instant petition raises no new claims and no useful purpose would be served by the litigation of this duplicative petition.¹

Accordingly, the instant petition is dismissed without prejudice to the pending petition. See Curtis v. Citibank, N.A., 226 F.3d 133, 138 (2d Cir. 2000) ("As part of its general power to administer its docket, a district court may stay or dismiss a suit that is duplicative of another federal court suit."). The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: Brooklyn, New York

Nov. 16, 2005

NINA GERSHON
United States District Judge

¹ Petitioner attaches a letter to the instant petition stating that he has been transferred to Hudson County Correctional Center.